IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4248 OF 2006

Ms.Maneka Sanjay Gandhi ...Applicant.

Versus

The State of Maharashtra
and Anr. ...Respondents.

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Mr.Mahesh Jethmalani, Counsel for Applicant.
Mr.A.S.Shitole, APP, for State.
Mr.Shirish Gupte with R.Sorankar, Adv. for Respondent No.2

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 22nd February, 2007.

P.C.:

1. Heard Mr.Jethmalani the learned Counsel for the applicant-orig.accused No.1, Mr.Shitole, the learned A.P.P. for the State and Mr.Gupte, the learned Counsel for Respondent No.2-orig.complainant.

2. Process came to be issued against the applicant under Section 500 of IPC by the learned Additional Chief Metropolitan Magistrate, 9th Court at Bandra, Mumbai in C.C.No.2145/SS/2005. The applicant is seeking quashing of the said process.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** I am of the

opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today.

5. The learned advocate for respondent No.2-orig.complainant fairly states that no objection will be raised in respect of delay, if any, in filing the revision.

6. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court after hearing necessary parties shall dispose of the matter on merits.

7. Application is disposed of.

(SMT.V.K.TAHILRAMANI,J.)